

# The Humanist Society of Metro New York

April 2000

Volume 1, Issue 1

## THE NEW NEWSLETTER

Busy schedules often preclude regular attendance at our twice-monthly meetings. Out of touch with each other, many of us are unaware of interesting events and important information. As a remedy, we are launching The Humanist Society of Metropolitan New York Newsletter.

We endeavor to accomplish two fundamental tasks: to inform and communicate. Beyond that, we hope to create a forum for dialogue.

In this issue, the newsletter recounts Jeremiah Gutman's discussion about the continued threat to civil liberties. If you thought that America's propensity to violate civil liberties ended with the McCarthy era, think again.

Every month we will focus on a single topic. In March, Mr. Gutman's discussion set the theme for this month's issue: how fear causes the erosion of civil liberties. He maintained that the fear of terrorism has replaced the McCarthy era fear of communism—with similar consequences for individual liberties.

Related to that, this issue considers the ongoing situation in which law enforcement continues to violate the fourth amendment. Without reasonable suspicion, the police conduct illegal searches, ostensibly with the tacit support of the public. Too often, the police confront people because of their race, attire, or residence—frequently with deadly consequences.

Because constant communication is indispensable, we invite you to write letters and articles for publication, on any topic.

Additionally, if you know of any events that may be of interest to members, please contact us so that we can relay the information. Whether it's a poetry reading, political rally, academic discussion, or art exhibit, we will get the word out to all chapter members.

This newsletter is a means to enhance our chapter by keeping us in touch with each other. We look forward to your participation.

## IN MARCH

Our government is still inclined to encroach on individual liberties. On March 14, Jeremiah Gutman led a discussion about his experience during the McCarthy era and stated that the threat to civil liberties continues.

Americans often support governmental infringement or denial of civil liberties for groups whom they perceive as threatening. Most notable, communists and their sympathizers received the brunt of unjust abrogation of their civil liberties during the McCarthy era. With the passing of the Cold War, terrorists are the new national threat. Once more, many Americans seem to support governmental curtailment of the civil liberties.

Anti-civil libertarians in government are empowered when masses of Americans share their fear. At the beginning of the Cold War, many moderates and some liberals allied themselves with the extreme right to eliminate the perceived communist threat. Either actively or tacitly, they supported the extremists' effort to locate and punish anyone believed to be associated with Marxists ideology.

Continued on page 2

## IN THIS ISSUE

- New Newsletter 1
- March Review 1
- Meetings 2
- Events of Interest 2
- The Fourth Amendment Under Attack 3
- Racial Profiling and the War-On-Drugs 4

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Nigel Roberts

**Humanism** is a rational philosophy informed by science, inspired by art, and motivated by compassion. Affirming the dignity of each human being, it supports the maximization of individual liberty and opportunity consonant with social and planetary responsibility. It advocates the extension of participatory democracy and the expansion of the open society, standing for human rights and social justice. Free of supernaturalism, it recognizes human beings as a part of nature and holds that values—be they religious, social, or political—have their source in human nature, experience, and culture. Humanism thus derives the goals of life from human need and interest rather than from theological or ideological abstractions, and asserts that humanity must take responsibility for its own destiny.

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## **MEETINGS**

1. April 11 at 6:30 PM. We will meet at the Moonstruck East Restaurant (upstairs), 449 Third Avenue at 31<sup>st</sup> Street. Beth Lamont will discuss U.S. foreign policy and the U.N.
2. April 22 at 3:00 PM. We will meet at the Moonstruck East Restaurant (upstairs), 449 Third Avenue at 31<sup>st</sup> Street. Ellen Farber will lead a book review and discussion on Tom Paine's classic, *Common Sense*. Like Shakespeare's works, *Common Sense* is a perennial masterpiece with significant relevance for the contemporary world.

## **Events of Interest**

1. April 3-7. The C.U.N.Y Graduate School and University Center, located at 365 Fifth Avenue (at the corner of 34<sup>th</sup> Street), is presenting a week of conferences, concerts, readings, films, and exhibitions from April 3-7. All events are free and open to the public. Contact the office of Continuing Education and Public Programs at (212) 817-8215 or at [continuinged@gc.cuny.edu](mailto:continuinged@gc.cuny.edu).
2. April 6. "Rethinking the urban agenda series": Martha Stark will discuss housing. C.U.N.Y Graduate School, 365 Fifth Avenue (at 34<sup>th</sup> Street), 9<sup>th</sup> Fl. The Century foundation & the Center for Urban Research, RSVP (212) 452-7722.
3. April 7-9. Art exhibition & sale to benefit the Reference Center for Marxist Studies. WPA artists, Soviet & Cuban posters, more than 500 works, at Winston Unity Center, 235 W 23<sup>rd</sup> Street (between 7<sup>th</sup> and 8<sup>th</sup>). (212) 924-2338.
4. April 9, 6:30 P.M. -8:30 P.M. "Beyond Capitalism: From the 1992 L.A. Rebellion to 1994 Chiapas uprising to the 1999 Seattle Anti-WTO Protest," discussion/class. 133 W 4<sup>th</sup> St, Washington Sq. Church (between 6<sup>th</sup> Ave. and Washington Sq.) N.Y. News & Letters Committee. (212) 663-3631.
5. April 23, 6:30 P.M. – 8:30 P.M. "Beyond Capitalism: What is capital? Discussion/class. 133 W 4<sup>th</sup> St, Washington Sq. Church (between 6<sup>th</sup> Ave. & Washington Sq.) N.Y. News & Letters Committee. (212) 663-3631.

## **In March**

Moreover, fanatical anti-Communists in government punished people, not for violent acts but for their beliefs and associations. For J. Edgar Hoover, a member of the communist party included anyone who read the party's literature or expressed an

affinity for their ideology. To Hoover, and many other Americans, those people deserved no rights.

More than a half-century later, the threat of Soviet Communism has dissipated. With the emergence of new security threats, Americans are again willing to join with extremists in government to deny some individuals of their civil liberties.

We can never condone terrorist acts that result in the loss of life and the destruction of property. However, the constitution guarantees individuals the right to associate with like-minded people and the freedom to express peacefully their views.

Yet, as Jeremiah Gutman pointed out, the fear of terrorism has created a situation that is similar to the communist scare of the McCarthy period. The government, with public endorsement, is willing to abridge the rights of those it suspects of endorsing terrorism. Often, the government targets foreign residents (mostly of Middle-Eastern origin) who have not committed any crimes.

In 1999, the Supreme Court ruled that the government could selectively enforce its terrorist deportation laws and that it does not have to disclose its evidence against alleged terrorists.

This ruling is the result of the case of two Palestinians. The I.N.S arrested Khader Hamida and Michel Shehadeh in 1987, not for terrorist activities but for supporting a terrorist organization in Palestine. The two men said that they raised money for humanitarian purposes, such as building clinics in the West Bank, but never for violent acts. In fact, the F.B.I concluded, after a three-year investigation, that the men did not engage in any terrorist acts. Yet, the Supreme Court allowed the I.N.S to proceed with deportation.

The I.N.S used secret evidence against the defendants, that it did not have to reveal to opposing lawyers. David Cole, attorney for Hamida and Shehdeh, complained that the government denied his clients' due process. He vigorously argued that "the most basic

objection to secret evidence is that it is impossible to defend against."

Equally appalling is that the government selectively enforces its terrorist deportation laws. The I.N.S essentially uses this law to expel alleged Middle-Eastern terrorists. Many critics note that the government does not arrest supporters of the I.R.A and the Kurdish rebel movement living in America.

Mr. Gutman is a veteran of the civil liberties struggle. He distributed copies of the Constitution and directed our attention to the Bill of Rights. In a somber tone, he admonished us to know our rights and to remain vigilant.

## **The Fourth Amendment Under Attack**

By  
Nigel Roberts

With the onslaught of illegal drugs and drug-related crimes, the Supreme Court created loopholes in the fourth amendment (freedom from unreasonable searches and seizures). Consequently, law enforcement employs dubious tactics in the war-on-drugs, while the courts look the other way.

Despite constitutional requirements, police no longer need probable cause to stop and search individuals. In 1991, the Supreme Court ruled in *Florida v. Bostick* that the police could randomly approach any individual, for any reason, to ask them questions and request consent to conduct a search.

All too often, the police exploit the ruling of the court. Many officers confront individuals, not for their actions but solely because of their race, attire, or place of residence. Furthermore, if they ask for consent at all, officers use coercion intimidation to force a consenting to search.

In 1996, the Supreme Court ruled in *Whren v. U.S.* that an officer can use the pretext of a traffic violation to stop motorists.

Once stopped, the police can then seek consent from the driver to search the vehicle.

Police officers can use any one of the numerous traffic laws to stop legally any vehicle. Based on interviews reported in a New York Times article, several police officers revealed that they often stop drivers for trifling violations, such as driving without a rear license plate light. After stopping drivers, they try to coerce consent to search the vehicle for drugs. If drivers refuse, they often force the occupants out of the vehicle and proceed to harass and intimidate them.

Law enforcement rampantly uses racial profiles to decide which drivers to stop for searches. In one study reported in US News & World Reports, Temple University's Professor John Lamberth found that although 75% of motorists and traffic violators on Interstate-95 were white, 80% of police searches were conducted against black motorists.

*Terry v. Ohio* (1968) is the landmark case that hastened the erosion of the fourth amendment. In that case, the court said that, under special circumstances, an officer could forcibly conduct a limited search of an individual. However, the court instructed police that they must have a reasonable suspicion before conducting a stop and frisk.

Since the 1968 decision, courts have given the police greater latitude to decide what behaviors constitute reasonable suspicion than the Warren court intended. The Warren court appeared reluctant to authorize police to decide whom and under what circumstance to stop and frisk individuals. Accordingly, it set a high standard for determining reasonable suspicion.

However, since the war-on-drugs began, courts have detracted from the implicitly high standard set by the Warren Supreme Court. Courts currently allow police to stop and frisk individuals for almost any reason. For example, the courts now hold that the police have the requisite reasonable suspicion to forcibly stop and frisk an

individual in a high crime area who goes out of her or his way to avert police contact.

Allowing uninhibited police use of search and seizure power is dangerous. The danger is that law enforcement will abuse its authority. With fewer legal restraints, the police will continue to exploit court-sanctioned loopholes in the fourth amendment. All Americans should be concerned with the extent and arbitrariness of the exercise of police search and seizure powers.

In his dissenting opinion on *Terry v. Ohio*, Justice Douglas warned that giving police the authority to decide whom to stop and search "...is to take a long step down the totalitarian path."

## **Racial profiling and the war-on-drugs**

By  
Nigel Roberts

Racial profiling is one of the most contentious law enforcement tactics used by police in the war-on-drugs. As observers describe it, racial profiling is the act of using a person's race, as one or several factors, in deciding whom to target for stops and searches. Racial profiling is not only ineffective but also demeaning to its victims.

Many in law enforcement believe that race (either alone or with other factors) constitutes reasonable suspicion and that racial profiling is an effective tool. Bernard Parks is the Chief of Police in the Los Angeles Police Department (and happens to be black). In an interview with the New York Times, Police Chief Parks declared support for racial profiling. Since statistics indicate that African Americans commit a disproportionately high number of certain types of crimes, Police Chief Parker believes that targeting them is an effective way to reduce drug trafficking and related drug-crimes.

Statistics seem to support the position of Police Chief Park. Black males between 14 to 24 constitute 1.1% of the national population, yet they are convicted for committing 28% of all homicides. Between 1992 and 1996, African Americans perpetrated 58% of the reported car jackings. Additionally, according to surveys, black men carried out about 50% of the robberies in the US. Consequently, people often associate African-Americans with crime.

Notwithstanding, the statistics do not justify law enforcement's unrestrained assault on people of color. Foremost, the vast majority of African-Americans are not criminals. Yet, law enforcement indiscriminately targets African-Americans on the highways and in their communities.

According to a study reported by the Harvard Law Review, in any given year, 98% of African-Americans are not arrested for committing a crime. Nevertheless, the police continue to victimize innocent people because of the color of their skin.

In countless reports, African-Americans and Latinos complain of police abuse in their neighborhoods and on this nation's highways. Arbitrarily, the police stop and harass people of color regardless of their age, gender, or prominence. In the overwhelming majority of cases, police searches are fruitless.

Despite the unwarranted aggression against minorities, law enforcement is losing the war-on-drugs. The main reason is that law enforcement bases its main weapon in the drug war, racial profiling, on a faulty assumption. African-Americans, police assume, are the primary users, dealers, and traffickers of drugs. That is a false assumption.

Human Rights Watch recently reported that although African-Americans comprise only 15% of drug users in the US, they constitute 36% of arrests for possession of narcotics. What is more, 49% of felony convictions for possession come from the small 15% of African-American users. The

disproportionate arrest and conviction rate is the result of targeting minorities.

Because law enforcement erroneously imputes criminality to people of color, they disregard the unlawful activities of others. It may be the case that law enforcement is losing the war-on-drugs because they over-target minorities. In an effort to catch and convict the 2% of criminals in the African-American community, the police allow drug violators of other races to remain unchecked.

Racial profiling has to stop. Not only is it ineffective in the war-on-drugs, it sanctions police mistreatment of millions of innocent Americans. The vast majority of African-Americans are not criminals, and the police should not assume that they are lawbreakers because of the color of their skin. This egregious tactic demeans an entire group of Americans.

Commenting on the 1968 Supreme Court ruling in *Terry v. Ohio*, Justice William Brennan predicted that giving the police unrestrained authority to stop and search individuals would unleash abusive police tactics in the poor urban minority communities across America. He wrote, "In this [ruling] lies the terrible risk that police will conjure up suspicious circumstances, and courts will credit their versions. It will not take much of this to aggravate the already white heat resentment of ghetto Negroes against the police...."

Justice Brennan was correct.